



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

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TTY
(213) 633-0901
TELEPHONE
(213) 974-1804
TELECOPIER
(213) 626-7446

Agenda No. 62A
04/06/04

TO: SUPERVISOR DON KNABE, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

RE: **Megan's Law - Internet Posting of Information on High-Risk Sex Offenders**

On April 6, 2004, your Board directed this office to work with the Sheriff's Department and the Chief Information Officer to review the procedures and the websites implemented by the Counties of San Bernardino, Riverside, and Santa Clara and the City of San Jose with respect to how they publicize identifying information of high-risk sex offenders, and report back to the Board with recommendations for a similar website for the County of Los Angeles.

We have collaborated with the Sheriff and the Chief Information Officer in preparing the following report. Recommendations are included for your review and approval.

Background – Current Los Angeles County Sex Offender Locator System (SOLS) Website Capabilities

The current SOLS website was implemented in September 2002 and designed to provide Los Angeles County residents with information allowing them to make informed decisions regarding personal and family safety. The website currently displays the general whereabouts of registered sex offenders, classified as either serious or high-risk, who were last known to reside in the County of Los Angeles. Serious sex offenders are required to register with law

enforcement if convicted of at least one felony sex crime, as defined by Megan's Law. High-risk sex offenders pose a greater threat of re-offending based on their prior criminal acts. Serious and high-risk offenders are distinguished on the SOLS map by using different symbols and colors.

The placement of serious and high-risk symbols on the SOLS website depicting sex offenders' whereabouts has been intentionally offset to the center of a census block to prohibit an exact location from being determined from viewing the map. Website visitors can generate customized maps of serious and high-risk offender locations by selecting specific schools, parks and libraries as reference points or conducting a perimeter search around a specified address.

Currently, sex offender information is limited to their relative location on the SOLS map. If website visitors want additional information concerning the sex offender (name, photo, description of criminal behavior, etc.) they must obtain it from the appropriate local law enforcement agency. SOLS provides driving directions to the proper local law enforcement agency nearest to a selected location.

The registered sex offender information used on the SOLS website represents high-risk and serious sex offender data from law enforcement jurisdictions within Los Angeles County who choose to participate. The data is obtained by the Sheriff's Department from the Megan's Law database of registered sex offenders maintained by the California Department of Justice. The Sheriff's Department provides the data to the Chief Administrative Office/Service Integration Branch (CAO/SIB) on a monthly basis for updating the site.

Recommendations for New Website Capabilities

The Sheriff's Department recommends that the County make the additional information described in the next section available on the Internet regarding each high-risk sex offender who is confirmed to be living in the unincorporated area of the County. As discussed below, the Sheriff's Department will verify that the residence and status of each high-risk offender in the unincorporated area is current. The Sheriff's Department will then forward that information to the CAO/SIB to be posted on the County's website.

In addition, as discussed below, all cities within the County will be informed that the County plans to implement the program for additional information County-wide, and will be given the option to opt out of the program. If a city does not opt out of the program, information regarding high-risk offenders living in the city will be included on the website.

The cost to make these modifications to the existing SOLS is estimated by the CAO/SIB to be \$15,000 to develop and \$2,000 annually to maintain the enhanced system.

Under the recommended plan, the County will continue to provide the information currently available on SOLS. Users will be instructed that they may obtain further information regarding high-risk offenders by clicking on the indicator symbol. The system will then provide the additional information described in the next section regarding that particular high-risk offender.

Information to be Included Regarding High-Risk Offenders

The proposed County website will include the following additional information regarding high-risk offenders: full name, known aliases, gender, race, physical description, photograph, date of birth, zip code, and crime(s) resulting in registration. The crime description provided by the Department of Justice database indicates the Penal Code section for which the person was convicted. Instead of providing the Penal Code section, the website will provide a verbal description of the Penal Code charge.

Except for Riverside County, each of the websites of the other jurisdictions reviewed includes the block number and street name of the offender, but not the building address. Riverside County provides only the street name and zip code. The Sheriff recommends that the County website not provide a specific street address, but continue to allow viewers to narrow the location of the offender to the center of a census block.

The Sheriff believes that by providing a close approximate location in conjunction with a physical description and photograph of the offender, the County can provide affected community members with the ability to protect themselves while minimizing the risk of vigilante or other criminal activity against the offender.

Verification of Information

Under the recommended plan, the Sheriff's Department will verify the status and residence of each high-risk offender in the unincorporated area (and in those cities that do not opt out) prior to posting the information on the website, and reverify the information every thirty days. Verification will include both confirming that the Department of Justice has designated the individual as a high-risk sex offender and an in-person verification that the offender does live at the address where he or she is registered.

Currently San Bernardino County reverifies its information every thirty days. The San Jose Police Department reverifies its information every two to three weeks, and Riverside County reverifies the information every 90 days. The frequency with which Santa Clara County reverifies its information is not known.

Geographic Considerations for Counties' Websites

The San Bernardino County and Santa Clara County websites include information regarding only those offenders who live in the unincorporated areas of those counties. The Riverside County website includes information on all high-risk offenders living within the county, whether in cities or in unincorporated areas.

The Department of Justice database indicates that as of April 13, 2003, there were four high-risk sex offenders who live in the unincorporated area of Los Angeles County. Twelve live in contract cities patrolled by the Sheriff's Department. There are 48 high-risk offenders registered in the City of Los Angeles, and eight registered in the City of Long Beach. Sixteen other independent cities have from one to four high-risk offenders.

A chart is attached indicating the number of high-risk offenders located in each city.

It is recommended that the County notify each city that the County intends to post information on high-risk offenders county-wide, and offer the cities the opportunity to opt out of participation. In the event a city decides to opt out, the map on the website will still indicate the approximate location of the offender, as it does now, but users seeking further information on a high-risk offender will be informed that additional information is not available through the website, and they will be directed to contact their city government.

Each city will retain responsibility for verifying and maintaining accuracy of the information on offenders located within the city. This plan will provide the cities with the opportunity to voluntarily participate in the County's program. A similar voluntary program currently exists in Orange County.

Liability Issues

Before accessing information contained on the website, each user will be required to certify that he or she is over the age of 18, is not a registered sex

offender, and understands that the purpose of the release of the information is solely to permit members of the public to protect themselves and their children who may be at risk from sex offenders. The user will be required to certify that he or she understands that it is unlawful to use the information obtained to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant.

The website will also contain a disclaimer that while the County attempts to keep the information current, the offender may have moved and failed to notify the local law enforcement agency, and that other offenders may have relocated into the area since the information was last updated. In addition, the website will indicate that the location listed is only approximate and does not give an exact street address.

Penal Code section 290.45(d)(1) states that "Any law enforcement agency and employees of any law enforcement agency shall be immune from liability for good faith conduct under this section." We believe that by following the procedures outlined above, the County can demonstrate good faith conduct and minimize the potential for liability regarding the website.

Pending Legislation

The only related legislation that appears to have a reasonable likelihood of passage during this legislative session is Assembly Bill 488 (Parra). As currently pending, the bill would require the Department of Justice to post specified information on sex offenders on the Internet.

The Internet site would include the home address of all high-risk sex offenders. It would also include the home address of all serious sex offenders except in the case where a court makes a specific finding that the posting of the address was not necessary for public safety. The bill would require users to enter specific identifying information before accessing the website.

Currently, A.B. 488 would not preclude local jurisdictions from maintaining their own website with sex offender information. However, there is a reasonable possibility that the legislation may be amended to preclude local jurisdictions from doing so to avoid conflicting information.

If you have questions concerning this matter, please contact me,
Assistant County Counsel Lawrence B. Launer at (213) 974-1881, or Senior
Deputy County Counsel Gary P. Gross at (323) 526-5045.

RGF:GPG:jb

Attachment

c: Leroy D. Baca
Sheriff

David E. Janssen
Chief Administrative Officer

Jon W. Fullinwider
Chief Information Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

Total number of High Risk Offenders in Los Angeles County by Agency

ORI	AGENCY	HIGH RISK OFFENDERS
1900	LASD	16
1901	Alhambra	2
1905	Azusa	1
1906	Baldwin Park	1
1909	Bell Gardens	1
1916	Covina	1
1920	Downey	1
1922	El Monte	2
1924	Gardena	3
1926	Glendora	1
1928	Hawthorne	1
1933	Inglewood	2
1941	Long Beach	8
1942	Los Angeles PD	48
1953	Pasadena	1
1955	Pomona	4
1965	Santa Monica	1
1969	South Gate	1
1976	Whittier	1
TOTAL		96